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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re:

Case No. 2:17-cv-00036-GMN-NJK

LIONEL, SAWYER & COLLINS, LTD.,

Debtor.

YVETTE WEINSTEIN,
CHAPTER 7 TRUSTEE,

Plaintiff,

vs.

AMERICAN LEGION CHINA POST 1 –
THE GENERALS WARD & CHENNAULT
& LT. HELSETH POST, a Texas nonprofit
corporation; and H. OWNBY, temporary
trustee of The Fischer Trust,

Defendants.

Bankruptcy Case No. BK-S-15-10462-MKN

Chapter 7

Adversary Proceeding No. 16-01123-MKN

STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE
PURSUANT TO APPROVED SETTLEMENT AGREEMENT

Plaintiff YVETTE WEINSTEIN, Chapter 7 Trustee for the bankruptcy estate of Lionel Sawyer & Collins, Ltd. (the "Trustee"), by and through her counsel, Schwartzter & McPherson Law Firm, and Defendants AMERICAN LEGION CHINA POST 1 – THE GENERALS WARD AND CHENNAULT & LT. HELSETH POST ("China Post"), and Kerry Kilburn as temporary trustee of THE FISCHER TRUST DATED NOVEMBER 21, 1988 (the "Fischer Trust"), by and through their counsel, the law firm of Marquis Aurbach Coffing, hereby stipulate and agree as follows:

1 WHEREAS, on January 30, 2015, Lionel Sawyer & Collins, Ltd. ("LS&C"), filed a
2 voluntary Petition for Relief under Chapter 7 of the Bankruptcy Code (Title 11 of the United
3 States Code) ("Petition Date") and that case is pending in the United States Bankruptcy Court,
4 District of Nevada (the "Bankruptcy Court") as case number 15-10462-MKN, and Yvette
5 Weinstein is the duly appointed and acting Chapter 7 Trustee for the bankruptcy estate; and

6 WHEREAS, on November 22, 2016, the Trustee filed a complaint in Bankruptcy Court
7 against China Post and the Fischer Trust (referred to collectively as the "Defendants")
8 commencing Adversary Proceeding No. 16-01123-MKN seeking judgment for recovery of certain
9 attorney's fees and costs (the "Trustee's Claim").

10 WHEREAS, on February 8, 2018, reference of the Trustee's Claim was withdrawn from
11 the Bankruptcy Court pursuant to 28 U.S.C. §157(f) and the litigation was moved to United States
12 District Court, District of Nevada, as Civil Case No. 2-17-cv-00036 where it has subsequently
13 been litigated by the Parties. Certain scheduling deadlines have been set [ECF No. 10] but a trial
14 date has not been scheduled at this time; and

15 WHEREAS, the Trustee and Defendants have reached a settlement agreement (the
16 "Settlement Agreement") and the Settlement Agreement has been approved by the Bankruptcy
17 Court pursuant to Fed.R.Bankr.P. 9019 as set forth in the Bankruptcy Court's *Order Granting*
18 *Motion for Approval of Settlement Agreement with American Legion China Post 1 and the Fischer*
19 *Trust* entered November 30, 2018 [see Bankruptcy Court ECF No. 918].

20 WHEREAS, the Settlement Agreement has been fully funded, so the Trustee and
21 Defendants agree that the Trustee's Claim and all related litigation (including Adversary
22 Proceeding No. 16-01123-MKN pending in Bankruptcy Court, and Civil Case No. 2-17-cv-00036-
23 GMN-NJK pending before this Court) shall be dismissed with prejudice and all pending hearings
24 and trial dates shall be vacated.

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BASED UPON THE FOREGOING, the Trustee and the Defendants stipulate and agree that this Civil Case No. 2-17-cv-00036-GMN-NJK pending before this Court shall be dismissed with prejudice pursuant to the terms of the Settlement Agreement and all pending hearings and trial dates shall be vacated.

Dated: JANUARY 2, 2018

Dated: January 2, 2018

Jason A. Imes, Esq.
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2850 S. Jones Blvd., Suite 1
Las Vegas, NV 89146
Counsel for Plaintiff

Terry A. Coffing, Esq.
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Counsel for Defendants

ORDER

Based upon the foregoing Stipulation and good cause appearing,

IT IS HEREBY ORDERED that this Civil Case No. 2-17-cv-00036-GMN-NJK pending before this Court is hereby dismissed with prejudice and all pending hearings and trial dates shall be vacated.

IT IS SO ORDERED.

DATED this 10 day of January, 2019.

Gloria M. Navarro, Chief Judge
United States District Court